

State slams SLC plan

By: **RICHARD ROTH**

GREENPORT—State Secretary of State Randy Daniels has notified St. Lawrence Cement that its proposal for a \$350-million cement plant in Hudson and Greenport is not consistent with New York State's Coastal Management Program.

A letter from Mr. Daniels was delivered to the company Tuesday, April 19.

The decision was hailed as an important victory by plant opponents. The U. S. Army Corps of Engineers cannot issue construction permits for the company's proposed shipping facility on the Hudson riverfront without a Consistency Certification from the Department of State (DOS). And opponents have speculated that the company has held off on further filings with the Department of Environmental Conservation pending word from DOS.

The company has said it is proceeding on schedule.

St. Lawrence, whose headquarters are in Montreal, has 30 days to appeal the decision to the U. S. secretary of commerce. In order to override the state decision, Mr. Daniels' letter to the company says that the secretary of commerce "must find that the activity is consistent with the objectives or purposes of the Coastal Zone Management Act, or is necessary in the interest of national security."

It was not clear as *The Independent* went to press whether the company would file an appeal.

"St. Lawrence will have to review this decision in detail, and we'll assess our options once we understand the

implications of the decision," said company spokesman Dan Odescalchi. "We can appeal to the Secretary of Commerce or remedy the deficiencies. It's really premature to commit to any course of action until we study the decision."

The DOS consistency review includes not only the City of Hudson waterfront, but also coastal resources in the Village of Athens, designated Scenic Areas of Statewide Significance in the plant's vicinity, and other sites in the coastal area, including Olana State Historic Site.

In announcing the consistency determination, DOS specifies how the company's plan fails to comply with eight of the 44 state coastal management policies, three of which address protection of historic sites and visual quality. According to Mr. Daniels' letter:

- The SLC plan does not enhance existing and anticipated uses, lead to development that is compatible with the character of the area, serve as a catalyst to private investment in the area, or improve adjacent and upland views of the water.

- The company's proposal is in direct competition with the ongoing transformation of the Hudson waterfront from a private industrial waterfront to a public waterfront for boating, tourism, commercial, and other compatible uses; and the proposal would result in unacceptable impacts to the existing and future Hudson waterfront.

- The proposed plant would not promote activities that would make the harbor areas of Hudson and Athens appealing to residents and tourists. It would not enhance planned redevelop-

ment activities; and it would detract from views of the water "in an area where the visual quality of the waterfront is an important component of the area's appeal and identity."

- The proposed plant and its resultant shift in jobs, tax base and increased industrial use at the waterfront, would adversely impact the social, cultural, and environmental interests of the region's citizens. It "could negatively impact Catskill" through the loss of jobs, and it "would diminish the current revitalization trend in Hudson," where "the value of Warren Street properties increased over 400% from 1993 to 2004."

- Despite the trail access proposed by SLC as part of its waterfront plan, the increased industrial activities would negatively impact the existing access from the parks, and future access-related development opportunities would be reduced.

- The significantly increased scale of activity and visual impact of the proposed riverfront industrial activities would not be compatible with the special character of Hudson and Athens historic resources. The industrial activities "would present a significant adverse change to the scale, proportions, compositions and enjoyment of nearby historic resources, and would not protect, restore or enhance the scenic riverfront resources."

Mr. Daniels' decision repeatedly refers to changes along the Hudson during the last 20 years. He notes that waterfront areas in cities including Yonkers, Irvington, Poughkeepsie, Sleepy Hollow, Tarrytown, Peekskill, Newburgh, Kingston and Hudson have gone from industrial uses to

“compatible, higher economically valued mixed uses,” including commercial, residential, tourism, retail, office, and water-dependent recreational uses.

“These new uses have generated spin-off businesses and a wide range of stable and growing employment and revenues,” Mr. Daniels says, “including significant public revenues that include property, sales, business and other taxes.”

The St. Lawrence project would result in the loss of 119 direct and 257 secondary jobs in Catskill, according to Mr. Daniels. While he acknowledges that 1,500 people would be employed over the two years of the St. Lawrence plant's construction phase, Mr. Daniels says the new facility would have a long-term net increase of only one new job.

DOS is particularly concerned about changes proposed for the docking facility. “The product transfer and storage associated with the proposed SLC riverfront industrial facility would transform the existing dock into a major shipping terminal,” says Mr. Daniels.

Docking and loading activities be carried on 24 hours a day, 7 days a week, resulting in an increase in the sound level of 5 to 10 decibels for residential and recreational areas near the docking facility, both in Hudson and Athens. Those levels are considered inappropriate by the Department of Environmental Conservation.

As it stands, only 2 or 3 Hudson Max cargo ships per year dock at the SLC waterfront facility. But the company estimates that 16 to 22 of the vessels, which are up to 754 feet long and 80 feet wide, would use the facility every year if the new manufacturing plant is built. A breasting barge 250 feet long by 63 feet wide would hold the vessels far enough out in the channel to accommodate their 32-foot draft, and 5.71 acres of the river bottom would be dredged, with possible impacts on marine life.

DOS also determined that the loading and unloading of cement products and raw materials would create “fugitive dust” emissions that could be incompatible with the surrounding

community.

Coast Guard icebreakers and buoy tenders currently use the SLC dock for seasonal storage of navigational buoys; and the Coast Guard advised DOS that they consider the site a “critical” buoy staging area. Should the dock area be expanded as planned, “The current use of the dock for Coast Guard operations and recreational boats may not be available at that location,” says DOS.

According to the online service Mid-Hudson News, Mr. Daniels told the Poughkeepsie Area Chamber of Commerce Wednesday morning that there was enormous pressure from both sides on the issue, but that he regarded the decision objecting to Consistency Certification as the right one. “It would be wrong, a step backwards, now to reintroduce heavy, industrial manufacturing on the waterfront,” he is reported to have said.

A call to Governor Pataki's office for comment on the decision had not been returned as The Independent went to press.

Opposition leader Sam Pratt, executive director of Friends of Hudson, welcomed the decision, and he said he considered it unlikely that the Republican administration in Washington would override a decision by the Republican administration in Albany. But he said plant opponents have no intention of giving up the fight.

“We're not going to sit on our hands,” he said. “We're going to direct a portion of our energy now into directing comments toward [SLC] corporate management in Montreal and Zurich, so they realize how devastating this decision and the [Hudson] Common Council's rejection of the host agreement are.” The Common Council this week turned down an offer of funding from the company. (See story Page 10.)

“They and the stockholders need to have an unvarnished picture of how bad their prospects are,” said Mr. Pratt. “I think once they have that they'll realize an appeal would be a waste of their resources, and the state's, and the community's.”

Taking an appeal to the Depart-

ment of Commerce is “a gamble for anyone,” according to Mr. Pratt. The department upheld the state DOS determination on the Millennium Pipeline project, which would have crossed Haverstraw Bay in Westchester and Rockland Counties. Millennium's attorney for the appeal was Thomas West of LeBoeuf Lamb Green & Macrae LLP in Albany, who also represents St. Lawrence Cement.

Sara Griffen of The Olana Partnership said the DOS decision affirms an argument local preservationists have been making for some time: that the Hudson Valley's aesthetics are important not just on historic but on economic grounds.

“They talk about places like Olana being strong economic drivers,” said Ms. Griffen. “In order to protect that, you have to protect the resources around it... I hope it can serve as a precedent for many other decisions around the country.”

Hudson Mayor Rick Scalera, a supporter of the plant, said he was relieved that a decision had been issued, even though he questioned some of Mr. Daniels conclusions and his knowledge of the actual situation in the city.

“I don't know if Randy Daniels ever saw our waterfront,” he said. He also questioned the decision's focus on Warren Street and not on the rest of the city. “But all I ever wanted was for it to get into the hand of the regulatory agencies, and it went through the process,” said the mayor.

Now, said Mr. Scalera, the city government can move on regardless of whether St. Lawrence decides to appeal the DOS decision. “Some of the most contentious times we had at City Hall had to do with the cement plant,” he said. “As it stands right now, it's time to get on with some important things.”